

APPROVED: Meeting No. 12-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 10-90

March 12, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on March 12, 1990, at 7:30 p.m.

PRESENT

Councilmember Viola D. Hovsepian (Mayor Pro Tem)

Councilmember James F. Coyle

Councilmember James T. Marrinan

ABSENT

Mayor Douglas M. Duncan (Travel Leave)

Councilmember David Robbins (Travel Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The City Manager reported that staff was saddened to learn of the death of Anna Lee Berman who had served as the City's budget analyst from 1979 to 1983.

2. Several calendar items were noted: the Town Center Roundtable will be meeting on Friday morning at 7:30 a.m.; on Tuesday, March 13, the monthly Chamber lunch will feature Chief of Police Treschuk as the keynote speaker; the hearings in Annapolis on the Rockville Arts Place bond bill will be held on March 20 and 21, and more information is available for anyone interested; on the same two days, the proposed funding for the Red Brick Courthouse will be the subject of a hearing.

Meeting No. 10-90

2

March 12, 1990

3. A letter of endorsement to the House and Senate for the Red Brick Courthouse to be sent with Council approval has been requested by Peerless Rockville and the support group for the Red Brick Courthouse.

The Council concurred with the proposed letters and authorized the City Manager to prepare same for signature by Mayor Duncan.

4. The Volksmarch sponsored by the Sister City Corporation last weekend had over 1100 participants, and funds were raised to send the Rockville Girls All-Star Basketball Team to Pinneberg in April.

5. In connection with the new lithograph printing training program to provide young people with basic skills in graphics and printing, Jackie Offutt successfully completed the first session of the program and received a Certificate. Nikita Jones, the instructor, and Fred Lewis and Charlie Wilson of the Recreation Department are to be commended for their efforts in this matter.

6. With respect to Item 8B on the agenda, award of bid for municipal lawn mowing, the amount of the contract and the budgeted amount are reported as the same. However, since this was only a portion of a much larger budget allocation, the budgeted amount became identical with the contract price.

Re: Presentation by Girl Scout
Service Unit #2 in Rockville.

Nancy Terselic from Senior Troop 741 gave a short presentation on the Girl Scouts, noting that on March 12, 1912, the first meeting of the Girl Scouts in the United States took place. She concluded by swearing in Mayor Pro Tem Hovsepian as a member of the Girl Scouts and presenting her with a Girl Scout pin.

Representatives from Daisy, Brownie, Cadette, Junior and Senior Troops passed out cookies to the Mayor and Council and audience.

Re: Recognition of Julius West
Middle School students.

The Mayor Pro Tem and Council presented Certificates of Recognition to students

Meeting No. 10-90

3

March 12, 1990

Brant Freed and Inga Vandrey who placed fourth and seventh, respectively, in the 1989 Montgomery County Mid-Level Cross-Country Meet. Their coach, Rich Field, and Julius West Principal Joseph Headman, Jr. were also present.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Robert Ekman was reappointed to a two-year term on the Advisory Commission on Public Education.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Kenneth Lechter and Eileen Mader were reappointed to two-year terms on the Cultural Arts Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Howard Groedel was reappointed to a two-year term on the Economic Development Council.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, William Sacks was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Patrick Greaney was appointed to a two-year term on the Recreation and Park Advisory Board.

Re: Citizens' Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. David Melnick, 518 New Mark Esplanade, as a citizen and attorney practicing in the area of employment rights and discrimination, urged favorable consideration of the proposed amendments to the Human Rights Ordinance by the Mayor and Council and requested that additional resources to enhance the Human Rights staff be considered during budget deliberations.

Councilmember Coyle commented that the National League of Cities has been asked

Meeting No. 10-90

4

March 12, 1990

to take a position with respect to "domestic partnerships" and advised that the caseload of the Human Rights staff would be an agenda item during the worksession with the Human Rights Commission.

2. Marty Reiss, 9 Don Mills Court, Chairman of the Land Use Committee in New Mark Commons, requested copies of the plan and information sent by the City to the State regarding stormwater management control at the Tower Oaks site. He indicated that the City has been reticent to provide copies of such information and requested that a representative from the City attend one of their homeowners association meetings to explain the City's plans in detail.

The City Manager responded that he was not aware of their inability to obtain information and that he would be very happy to get in touch with Mr. Reiss the following day to let him know what is going on.

3. Arlene Simons, 708 Carr Avenue, discussed a request of the West End Citizens Association regarding West Montgomery Avenue. She indicated that unofficial traffic counts conducted in August and September illustrate a growing number of vehicles on West Montgomery Avenue, particularly trucks going back and forth. The average daily count of 35,000 does not include Ride-On buses, school buses or large trucks. She requested that the Mayor and Council consider alternative ways Rockville can begin to deal with trucks on all residential streets.

Mayor Pro Tem Hovsepian requested that the Traffic and Transportation Commission review the issue of truck traffic and expressed hope that the State will designate Gude Drive as the truck route.

The City Manager stated that the issue of redesignation of Route 28 cannot advance until the repairs on West Montgomery have been completed. He further indicated that there will be a lessening of the total volume of traffic upon the opening of the Falls Road interchange and that the City should explore alternatives concurrently with

Meeting No. 10-90

5

March 12, 1990

the West Montgomery Avenue construction.

Councilmember Coyle asked if the City has done a Citywide truck traffic impact study in the past, and staff was requested to follow-up.

4. William Meyer, 804 Leverton Road, Chairman of the Traffic and Transportation Commission, stated that he had met with Creston Mills, traffic engineer with the State Highway Administration, who was receptive to the suggestion that West Montgomery Avenue be designated a business route and Gude Drive a bypass route.

With respect to the Tower Oaks project, he has asked for information on the dam which was submitted by the City to the Department of the Environment. He feels that the Tower Oaks project has changed dramatically in scope since the public hearings were held and that the information process needs to be opened up to the public again.

In response to Councilmember Coyle's question regarding a policy of releasing information which has been submitted to the State, the City Manager indicated that he has spent a lot of time with Mr. Meyer on this issue and that the City has been very forthcoming with information available. He noted, however, that staff does not pass on speculative information.

5. John Freeland, President of the Rockville Chamber of Commerce, addressed two issues:

First, with respect to the tag banner program, the business community is extremely pleased with the first few months of the program and believes it demonstrates in a visible way the City's strong public/private relationship.

Secondly, he has read the comments regarding the Lotta Bull sign issue and does not feel there is a basis for amending the sign ordinance. Rather, he believes that a more liberal interpretation could accommodate situations such as these under the current ordinance.

Councilmember Coyle responded that this latter issue should be discussed with

Meeting No. 10-90

6

March 12, 1990

staff before comments can be made. Regarding the tag banner program, Councilmember Coyle stated that he has received mixed reviews on the tag banners and that the Mayor and Council will review and discuss this program with the Chamber prior to its renewal. Councilmember Hovsepian suggested that the public be provided an opportunity to comment.

There being no other citizen wishing to be heard, the Mayor Pro Tem closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 09-90 (February 26, 1990) were approved, as written.

Re: Consent Agenda

Councilmember Marrinan requested that Item C be removed from the Consent Agenda, and Councilmember Coyle requested that Item D be removed.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 83-90, Tennis and Basketball Court Improvements, to All Pro Court, Inc., Baltimore, Maryland, for the low bid amount of \$131,446.70.

The project includes asphalt resurfacing, recreational cushion undersurface, color coating and line striping of tennis and basketball courts at Twinbrook Park, Woodley Gardens Park and Potomac Woods Park. The budgeted amount is \$200,000.

- B. Award of Bid No. 70-90 for Municipal Lawn Mowing Contract to Lancaster Landscape, Inc. of Alexandria, Virginia, for the low aggregate bid of \$93,402.92 for Year I and option years II and III upon the approval of the Director of Recreation and Parks.

Meeting No. 10-90

7

March 12, 1990

This project includes lawn mowing contract services for West Ritchie Parkway and East and West Gude Drive, building parcels, state and city rights-of-way and Redgate Golf Course.

E. Approval of the 1990 Rockville Municipal Swim Center fees.

Rockville Municipal Swim Center will need a 5% fee increase for the 1990 season to provide complete coverage of all operating expenses; funding for an additional permanent employee; increased programming opportunities.

Re: Award of Bid No. 32-90 for the purchase of one 24-passenger transit bus for the low bid price of \$43,490 from Chesapeake Bus & Equipment Company, Gaithersburg, Maryland.

Councilmember Marrinan indicated that he had asked to have this item (C) removed from the Consent Agenda in order to inquire as to the purpose of the vehicle. Staff responded that it will replace an older bus in the fleet which is used in the senior transportation program.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council approved award of Bid No. 32-90.

Re: Introduction of Ordinance to amend Chapter 11, "Human Rights," of the Rockville City Code so as to expand the scope of the provisions to deal with both sexual orientation and families with children.

Councilmember Coyle asked to have this item removed (D) from the Consent Agenda to emphasize what an excellent move forward this is for Rockville and noting that in addition to the specific concerns expressed by Mr. Melnick during Citizens' Forum, the

Meeting No. 10-90

8

March 12, 1990

ordinance also provides for non-discrimination against families with children, primarily with respect to rental properties.

The Ordinance was duly introduced by the Mayor and Council.

Re: Adoption of Ordinance to adopt
Text Amendment Application T-
94-89, Hardage Enterprises,
Applicant.

Ordinance No. 3-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 3-90, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to provide amendments to the definitions, use regulations and parking requirements of the Zoning Ordinance related to all types of restaurants.

Re: Adoption of Ordinance to adopt
Text Amendment Application T-
97-89, Joseph A. Lynott,
attorney for C. M. Whalen,
Applicant.

Ordinance No. 4-90

Councilmember Coyle noted that this ordinance relates to the basic subdivision of the new Whalen project in Town Center. Councilmember Hovsepien commented that it is also applicable to other lots in Town Center where this might be a useful tool. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 04-90, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to allow "ownership lots" and "ownership plats" to be used in TCM-1 and TCM-2 Zones.

Re: Adoption of Ordinance to adopt
Text Amendment Application T-
98-89, Joseph A. Lynott,
attorney for 701 Rockville Pike
Limited Partnership, Applicant.

Meeting No. 10-90

9

March 12, 1990

Ordinance No. 5-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 5-90, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to amend the Zoning Ordinance Limitations on Heights to allow roof top structures and equipment to exceed the maximum building height by 19 feet and provide a six-foot limitation on parapet walls.

Re: Adoption of Ordinance to adopt
Text Amendment Application T-
101-89, Mayor and Council of
Rockville, Applicant.

Ordinance No. 6-90

Councilmember Coyle commented that this is an excellent first step forward in the area of day care. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 6-90, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to amend various sections of the Zoning Ordinance to allow additional opportunities for child care facilities in residential and non-residential zones.

Re: Adoption of Ordinance to
approve Application to Close
and Abandon Public Way SCA-
59-89, Holladay-Tyler
Corporation, Applicant.

Ordinance No. 7-90

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 7-90, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to abandon the public right-of-way for Thompson Avenue between Chapman Avenue and the CSX/WMATA right-of-way.

Re: Discussion and Instructions
to Staff - Map Amendment
Application M-56-89, Mayor and
Council of Rockville,
Applicant.

The purpose of this Map Amendment is to place the Lincoln High School buildings and site on N. Stonestreet Avenue, Lincoln Avenue and Howard Avenue in an Historic District under the jurisdiction of the Historic District Commission.

Councilmember Marrinan expressed the need for additional work on this issue. While there is no question about the building, the problem deals with the remaining site. He further indicated that individuals are unclear as to what the designation of historic district entails and that it does not preclude its use for other purposes such as housing.

Councilmember Hovsepien requested that staff provide two separate alternatives, the first declaring the building itself and a designated portion around the building as the historic district site, with the second alternative being the building and the entire site as the historic designation.

Councilmember Coyle noted that in the Neighborhood Area Plan approved in 1982-83, there are references to specific uses for that property and he requested that staff go back and review same and provide the Mayor and Council with that information.

It was agreed that this item would be deferred until the General Session meeting of March 26 when all members of the Mayor and Council would be present.

Re: Approval of implementation of
Refuse Collection Super
Service, Phase I.

The City Manager stated that the refuse collection services have been divided into Phase I and Phase II. Phase I begins on April 2, and all citizens have been fully notified of what the City is doing and what they can expect. A distribution is being made to all homes consisting of a letter describing the services to be provided, a letter setting forth the improvements in the collection of newspapers for recycling, a sample of materials needed (ball of twine and a large paper sack) and a brochure entitled

Meeting No. 10-90

11

March 12, 1990

"Refuse Regulations." The three changes mandated by the State and pursuant to County directives are:

Yard waste must be separated and placed in easily emptied containers or large biodegradable bags. These bags can be purchased at Giant and at City Hall, and arrangements are being made for their sale at other locations in Rockville. Newspapers tied with twine or in paper sacks will be collected once a week rather than once a month; and the City will continue to collect recyclables at the curb once a week in the current test areas.

The other enhancements to the service include collection of dead animals, ammunition, explosives and toxic wastes by special collection at no charge; collection of especially large and heavy items for a fee; and special collections will be provided on days other than the scheduled monthly date for a fee.

Councilmember Hovsepian asked that some of the toxic materials be identified for the citizens as many individuals are uncertain as to what materials fall within this category. The City Manager responded that in the series of articles in Rockville Reports, questions such as these will be highlighted in a question and answer format.

Councilmember Coyle asked for a clear distinction between heavy items versus those requiring a special collection. Mr. Romer responded that this distinction is provided in the detailed brochure; that this issue will be featured in one of the Rockville Reports articles; and that there is a special refuse line, 424-2224, which citizens may call when there is a question.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, implementation of Refuse Collection Super Service, Phase I, was approved.

Re: FYI/Correspondence

Councilmember Coyle congratulated Don Douglass and Mike Taylor on their success in decreasing the City's fuel consumption.

Meeting No. 10-90

12

March 12, 1990

Councilmember Marrinan asked if the City should consider a letter of support for the bill creating a Maryland Fund for Art in Public Places and was advised by staff that the bill has been withdrawn.

Councilmember Coyle referenced Karen Lechter's request to reopen the record in Text Amendment Application T-99-89, to include her comments relating to temporary signs for sale, lease or rent in the O-3 and I-3 zones. It was discussed that it was not the intention to allow these signs to remain in perpetuity.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the record in Text Amendment Application T-99-89 was reopened to accept the letter dated March 2, 1990, from Karen Lechter, and was immediately closed.

Councilmember Hovsepien requested that staff look into the vapor recovery technology at gasoline dispensing facilities in the Washington area as requested in the letter from Betty Tatum, Chairman, COG Environmental Policy Committee.

Regarding Rockville being named as a 1989 Tree City USA, Councilmember Hovsepien noted that the City would be receiving an award during National Celebration of Outdoors Week.

Re: New Business

In connection with his membership on the National League of Cities, Councilmember Coyle noted that he had participated in a press conference with a number of elected officials and chaired by the Mayor of Boston, on a bill which would ban assault weapons. He also participated in a private meeting with a number of public officials to encourage the pass-through to local governments of more federal funds for narcotics abuse and control.

Councilmember Marrinan noted that the discussions at the National League of Cities Transportation and Communications Policy Committee focused on Cable TV and the 1984 law. Across the United States, there is a growing concern about poor service and rapidly escalating costs.

Meeting No. 10-90

13

March 12, 1990

Councilmember Coyle noted his pleasure that the National League of Cities has appointed Donald Borut, formerly of the International City Management Association, as its new Executive Director.

The Earth Day Rally to be held on Sunday, April 22, at noon on the Mall in Washington, D.C. was noted by Councilmember Marrinan.

Re: Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor Pro Tem and Council convened in Executive Session at 9:20 p.m. to discuss property disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:25 p.m., to convene again in Public Hearing at 7:30 p.m. on March 19, 1990, or at the call of the Mayor.